

J. Kim Schulke
Michele Reinhart Levine
LINNELL, NEWHALL, MARTIN & SCHULKE, P.C.
P.O. Box 2629
Great Falls, MT 59403
Tel: 406.453.4500
Fax: 406.454-8000
kschulke@lnms.net

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ALENE CIAVARELLI,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. _____

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Plaintiff Alene Ciavarelli complains and alleges as follows:

I.

At all times pertinent herein Plaintiff, Alene Ciavarelli, was a resident and citizen of Sand Coulee, Cascade County, Montana.

II.

The United States Air Force is a “federal agency” within the meaning assigned

to this phrase at 28 USC § 2671.

III.

This action is brought against the United States under the Federal Tort Claims Act, 28 USC §§ 2671, et seq. The above-entitled court has exclusive jurisdiction of this action under 28 USC § 1346(b). Venue is properly in the District of Montana under 28 USC § 1391 (e) and assignment of the action to the Great Falls Division is proper under L.R. 3.2, United States District Court for the District of Montana.

IV.

On March 1, 2017, Plaintiff presented this claim to the appropriate federal agency, namely, the United States Department of the Air Force. On November 30, 2017, the United States Department of the Air Force issued its final denial of the claim.

V.

At approximately 7:10 a.m. on March 11, 2015, Alene Ciavarelli was driving her 11-year-old son to school. She was traveling north on East Hunter Road near Tracy, Cascade County, Montana. Her husband, Rick Ciavarelli, was driving directly behind her, on his way to his job at the post office in Great Falls, Montana. East Hunter Road is a small, rural, asphalt road with dirt shoulders. Unbeknownst to Alene and Rick, a United States Air Force convoy from Malmstrom Air Force Base was simultaneously traveling south on Stockett Road near Tracy, Montana. At

Tracy, Stockett Road angles to the left and East Hunter Road angles to the right. All but one vehicle in the convoy continued south on Stockett Road. A Model H1, dark green Humvee, driven by Manual Nunez, missed the turn on Stockett Road and headed south on East Hunter Road. Nunez then attempted a three point turn to get back to the junction with Stockett Road. In the process he pulled the Humvee broadside across East Hunter Road. Neither Alene nor Rick were able to see the Humvee in the dark. Alene struck the Humvee at 45 mph. The impact threw her vehicle into the ditch. Her airbag exploded into her face.

VI.

As a result of Defendant's negligence in blocking the highway in the dark, Alene Ciavarelli has suffered severe injuries and chronic pain, and has incurred damages, including past and future medical expenses, permanent disability, lost earnings and lost earning capacity; lost value of household services, pain, suffering and emotional stress; loss of enjoyment of life; and past, future and permanent disruption of her established course of life and peace of mind, all to her detriment and damage in amounts to be proven at trial.

WHEREFORE Plaintiff prays as follows:

1. For a reasonable sum to compensate her for personal injuries and damages including past and future medical expenses; permanent disability, lost earnings and lost earnings capacity; lost value of household services; pain, suffering

and emotional stress; loss of enjoyment of life; and past, future and permanent disruption of her established course of life and peace of mind;

2. For Plaintiff's costs and disbursements herein;

3. For such other and further relief as the Court may deem appropriate under the circumstances.

JURY DEMAND

PLAINTIFF DEMANDS TRIAL BY JURY.

DATED this 2nd day of January, 2018.

LINNELL, NEHWALL, MARTIN & SCHULKE, P.C.
Attorneys for Plaintiff

By: 
J. Kim Schulke